

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

JOAN M. HAVENS

Defendant

CR-18-45-GF-BMM

ORDER

Defendant Joan M. Havens was charged with threatening, intimidating, or interfering with a Forest Service officer pursuant to 36 C.F.R. § 261.3(a). A bench trial was held before United States Magistrate Judge John Johnston on June 6, 2018. Judge Johnston found Havens guilty. Haven was sentenced to a term of custody of seven days.

Havens timely appealed her sentenced to this Court on June 11, 2018. (Doc. 1.) The Court held oral argument on September 17, 2018. (Doc. 9.) The Court ruled from the bench and affirmed Havens's conviction. Havens was not present for the hearing. The Court issued a formal order on September 27, 2018. (Doc. 12.) The Court determined that a rational trier of fact could have found Havens guilty of interfering with a Forest Officer in violation of 36 C.F.R. § 261.3(a), and that a seven day custodial sentence was reasonable. (Doc. 12 at 2.)

Havens reported to the Missouri River Courthouse on September 27, 2018. An arrest warrant was immediately issued. (Doc. 11.) Havens appeared on the warrant on September 27, 2018. (Doc. 13.) Havens was represented by Assistant Federal Defender Hank Branom. Through counsel, Havens requested that her seven-day sentence be stayed pending appeal to the Ninth Circuit Court of Appeals. Havens alternatively requested that she be allowed to self-surrender to the United States Marshals Service in December. Assistant United States Attorney Ryan Weldon appeared on behalf of the Government. Weldon argued that the Court had the discretion to detain Havens until she carried out her seven-day sentence.

For the reasons stated in open court, IT IS HEREBY ORDERED:

1. Havens's oral motion to stay imposition of sentence is DENIED.
2. Havens's oral motion to self-surrender is GRANTED.
3. Havens must self-surrender to the United States Marshals Service in Great Falls, Montana, on or before December 3, 2018 at 1:00 p.m.

DATED this 27th day of September, 2018



Brian Morris
United States District Court Judge